



City of Carmel

MINUTES

Carmel Board of Zoning Appeals

Regular Meeting

Tuesday, January 25, 2011

6:00 pm

Council Chambers

Present: James Hawkins, President
Kent Broach
Leo Dierckman
Earlene Plavchak
Ephraim Wilfong
Connie Tingley, Recording Secretary

Staff members in attendance: Angie Conn, Planning Administrator
Mike Hollibaugh, Director, Department of Community Services

Legal Counsel: John Molitor
Douglas Haney

Election of Officers:

On a motion made by Leo Dierckman and seconded by Kent Broach:

James Hawkins be elected President of the Board of Zoning Appeals.

MOTION CARRIED UNANIMOUSLY

On a motion made by Leo Dierckman and seconded by James Hawkins:

Ephraim Wilfong be elected Vice-President of the Board of Zoning Appeals.

MOTION CARRIED UNANIMOUSLY

Previous Minutes:

On a motion made by Leo Dierckman and seconded by Kent Broach:

The Minutes for the meeting dated September 27, 2010 were approved as circulated.

MOTION CARRIED UNANIMOUSLY

Department Report: Angie Conn

- Nothing to report

Legal Report: Douglas Haney

- Mr. Molitor, Mr. Dierckman, and Mr. Wilfong recused themselves for discussion of 646 Johnson Drive as members of the opposing party/Plan Commission
- City Attorney Douglas Haney reported on the 646 Johnson Drive litigation

- Motion for summary judgment filed by plaintiffs on December 15, 2010, before Judge Felix
- January 3, 2011 Judge Felix issued order for summary judgment
- Johnson Acres Homeowners' Association covenants and restrictions prohibit garage
- Court ordered defendant to demolish and remove the structure
- Set hearing for January 25, 2011 for damages
- Defendant requested continuance
- Matter still before Judge Felix to discuss damages; not substance of complaint
- Recommend continue to leave on agenda as tabled until judicial process completed

Legal Report: John Molitor

- Working with Committee of the State Bar Association on update legislation regarding Planning and Zoning Statute; HB 1311

Public Hearing:

1-2. Pilgrim Lutheran Church

The applicant seeks the following special use amendment and development standards variance approval for a new building:

Docket No. 10110009 SUA - Ordinance Chptr 5.02: Church in S-1 district

Docket No. 10110010 V - Ordinance Chptr 5.04.01: Maximum 35-ft height

The 19-acre site is located at 3650 W. 106th Street and is zoned S1/Single-Family Residential. Filed by Gerald Powell of Pilgrim Lutheran Church of Indianapolis, Inc.

Present for the Petitioner:

Jon Dobosiewicz, and Charles Frankenger, Nelson & Frankenger; Pastor Al Goertemiller, Gerald Powel, Dan Montgomery, Pilgrim Lutheran Church; Eric Carter, Weihe Engineers; Jack Munson, Project Architect

- Site location map: north side 106th Street, west of Shelborne Road; adjacent to Carmel Fire Station on NW corner
- Church currently located at I-465 and U.S. 31, near highway improvements
- Received Special Use approval in 2002 for replacement site
- Per approvals, plan to begin construction by July 22, 2012
- Site plan and building design shown for approvals
- Access from 106th Street
- Underground gas pipelines north of building; cannot be built upon
- Playground and parking layout behind building
- Accessory building for maintenance
- Dumpster enclosure
- Ground monument sign at 106th Street entrance
- Proposed future phase and parking locations shown
- Predominately masonry with cultured stone accents near windows
- Asphalt shingle roof
- Two-story with same materials used throughout
- Attic above for storage
- 35 feet 11 5/8 inches proposed height
- Bell tower not in initial phase; pending funding
- Site landscaping and lighting both in compliance

Public Hearing Closed

Department Report:

Angie Conn:

- Re-approval of 2002 SU with more details of building and landscaping
- Thorough submittal
- Plans reviewed by TAC members

Department recommended positive consideration

Discussion:

- Bell tower design similar to proposed church
- All materials identical to primary construction
 - Confident of industry manufactured match for future construction

Motion: On a motion made by Leo Dierckman and seconded by James Hawkins:

Docket Nos. 10110009 SUA and 10110010 V, Pilgrim Lutheran Church, be approved, for Church in S-1 district and maximum 35-ft height.

MOTION CARRIED UNANIMOUSLY

Old Business

1. Tabled Indefinitely: 646 Johnson Drive Appeal (in Johnson Acres subdivision)

The applicant seeks the following permit issuance appeal:

Docket No. 09020014 A: Appeal of Permit No. 09010003 - Accessory Structure Size

The site is located at 646 Johnson Drive and is zoned R1/Residential. Filed by Howard & Holly Green, John & Beryl Colosimo, James & Laura Dunn, Judy Wagner, and Michael & Susan Shaw, neighbors.

Adjournment


Motion: On a motion made by Leo Dierckman and seconded by Earlene Plavchak:

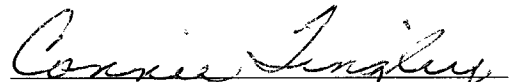
The Meeting be adjourned.

MOTION CARRIED UNANIMOUSLY

The meeting adjourned at 6:20 PM.

Approved this 25th day of April 2011.


President - James R. Hawkins


Secretary - Connie Tingley